

Revised: 02.22.2007

Revised: 09.04.2007

Revised: 10.01.2007

Revised: 07.30.2008

### Questions and Answers (Q and A)

The following are questions and answers that were asked by Child Nutrition Sponsor representatives, parents, or students. We thought it may be helpful to share these with others who may have similar questions.

#### **Charging Policy**

Q. Do schools have to have a charging policy?

A. No, USDA Regulations do not require that schools have a charging policy. The decision to do so is made at the local level by the school principal or the school board. The Indiana Department of Education, Office of School and Community Nutrition encourages schools to have a procedure in place for the times that children do forget their lunch money or do not have enough money on account. Many schools offer students 3 meal charges before the student is given an alternative meal. This is an acceptable practice especially at the elementary level. We encourage schools to inform the households/families at the beginning of the school year of the procedure that will be followed if students do not have meal money on a given day. Remember students eligible for free meals must receive a free meal even if their student account balance (for other purposes) is in the negative.

Q. A school has an automated system for school meals. A student owes \$7.00 to the food service, and one day brings \$10.00 to pay for lunch. The school's system is set up to automatically deduct the amount owed and any cost of the meal being served at that time. The student would get a meal for that day. However, must the school first check with the student to see if the difference between the \$10.00 and the cost of the meal being served (if they child receives paid or reduced-price meals) can be applied to the debt owed?

A. Even if a student's account includes an uncollected amount, the school must provide a reduced-price or paid reimbursable meal to an eligible student, when the student has money in hand for the current day's meal. A student who is eligible for free meals must be provided a free reimbursable meal, even if he/she owes money to the food service for a la carte purchases or second meals. Also, if a student wishes to prepay for future meals, the money must go towards future meals and cannot be applied to an amount owed unless the household agrees that the money can be applied to the amount owed.

Therefore, if a student gives the food service \$10.00 and owes \$7.00 to the food service, the student must receive the reimbursable meal being served that day. If the student requests that the \$10.00 be applied as prepayment for future meals, then the school food service should deduct any cost for the current meal (if the student is eligible for reduced-price or paid meals) from the \$10.00, and apply the difference as prepayment for future meals. The school could apply the difference between the \$10.00 and any cost of the current meal to an amount owed if it has permission from the parent or guardian.

Additionally, the SFA should have a standard policy in writing concerning charging meals. This SFA policy should state the maximum number of meals that a student can charge. The SFA must communicate this policy to all households of children in the schools under the SFA.

**Financial Management**

Q. Since school nutrition program (SNP) reimbursements are USDA monies, can such funds be used as in-kind match for another federal program?

A. SNP program funds may not be used as matching funds for another federal grant. The federal regulation 7 CFR 3016.24 (b) states: "Except as provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant." It further states that (3) "Neither costs nor the values of third party in-kind contributions may count towards satisfying a cost sharing or matching requirement of another Federal grant agreement, a Federal procurement contract, or any other award of Federal funds."

**Foster Children**

Q. Does a family who has 5 foster children and 4 children of their own count the money they receive to care for the foster children as part of their income?

A. Payments received by the household for the care of the foster child are intended to be used for the foster child and, therefore, are not included as part of the foster parents' income.

**Free and Reduced-price Data**

Q. Why does the free and reduced-price information from the IDOE Annual Performance Report show different data than the information posted on the Office of School and Community Nutrition's website?

A. For a variety of technical reasons, the data on the general Department of Education website does not come directly from the school lunch reimbursement system. In past years at least, it came from the STN "PS Report" which is filed by the person in the school district who files STN reports. Questions concerning the Department of Education's web site should be directed to the Educational Information Systems (EIS) Division of the Department of Education. The help line for the STN/Application Center is 1-800-527-4931. The Office of School and Community Nutrition staff can address questions concerning the data on the our web site, e-mail John Todd at [jtodd@doe.in.gov](mailto:jtodd@doe.in.gov).

**Applications for Free and Reduced-Price Meals**

Q. May private schools serve free meals to homeless students using documentation provided by a public school homeless liaison or the State Coordinator for Education of Homeless Children and Youth?

A. Yes. While the McKinney-Vento Homeless Assistance Act applies only to public school schools, public school liaisons and the State Coordinator for Education of Homeless Children and Youth may share documentation with private schools if they choose to, and private schools may use shared documentation to support serving free meals to homeless and/or runaway youth.

**Eligibility**

Q. A person who is a “legal resident” of the U.S. applies for school meal benefits for her children. This person is in the process of applying for citizenship and recently signed some paperwork with the U.S. Citizenship and Immigration Services of the Department of Homeland Security saying that she would not accept any assistance from the government. If her children are eligible and receive free or reduced-price meal benefits at school, will this affect her application for citizenship?

A. No. Receiving nutrition assistance through USDA Food and Nutrition Service (FNS) does not make an immigrant a “public charge.” That is, an immigrant to the U.S. will not be deported, denied entry to the country, or denied permanent status because he or she receives food stamps, WIC benefits, free and reduced-price school lunches or other nutrition assistance from FNS.

**Full-Day Kindergarten (FDK)**

Q. Since the prototype Application for Free and Reduced-price Meals will not be available at the time schools register children for the FDK program, will the school corporation use the current application forms and then have households/parents complete the new school year Application for Meals and determine eligibility a second time?

A. Individual student eligibility for free or reduced-price meals for the upcoming school year can’t be determined until July 1 (at the earliest). National School Lunch Program eligibility guidelines are published each year, effective on July 1. Children pre-registered prior to that date could have their eligibility determined, but it would have to be redetermined after July 1. Aside from the Income Eligibility Guidelines being published each year effective July 1, regulations require that the determination be made “near” the beginning of the school year. One approach would be to allow eligibility for the FDK to be determined at the time of application for the FDK, allowing for the fact that their eligibility for free and reduced-price meals in the upcoming year may be different, depending on when they pre-registered for the FDK program.

Q. Should there be increased verification of the free and reduced-price applications?

A. USDA regulations already have a Verification provision in place that school districts must follow. No more than 3% of the approved Application for Free and Reduced-price Meals may be verified.

Q. Will the cafeteria office be solely responsible for the final determination on who attends the FDK?

A. Local policy establishes which department and who will be responsible for approving Applications for Free and Reduced-price Meals. Many times it is the building principal who is the determining official. Additionally, some districts approve applications from a central office (usually Food Service or some sort of Pupil Personnel type office) while other districts process applications on a decentralized basis, school by school, often by the principal or his secretary.

The approval process is not a single effort, but rather often takes place in a series of stages.

The earliest activity at the beginning of a school year is what is known as “Direct Certification”. This is a technique developed by the department to match school enrollment against Food Stamp and TANF program recipients. The process is usually conducted after the first week of July or early August at the latest. If a school district uses what is known as the “Traditional Method” they could potentially include pre-registered future Kindergarten students in their file upload IF

they have already assigned STN to those students. The normal process for assigning a STN to a student has been to assign the number when the student enrolls in the fall. However, with the need to directly certify students prior to the actual start of the school year, the department allows the early assignment of STNs to incoming Kindergarten students after kindergarten pre-registration activities in the spring. Even when assigning STNs to kindergarten students, a "lookup" should first be done to be sure that an STN has not already been assigned due to some special education or pre-school participation by the student. Students identified as eligible for free meals through Direct Certification DO NOT have to fill out a traditional paper application. All schools will be required to use Direct Certification by the 2008-2009 school year.

All students NOT determined to be eligible by Direct Certification must be given the opportunity to apply for Free or Reduced Price benefits by filling out the traditional paper application. These applications are sometimes distributed to students or their parents at pre-registration activities in early August or distributed to students in the first days of class.

### **Income Eligibility**

Q. Why does the conversion of income provide different results depending on whether it is converted weekly or yearly?

A. The differences result from rounding. The published Income Eligibility guidelines are established by dividing the annual income limits by the annual income frequency, and rounding up to the next whole dollar.

School Food Authorities have ample flexibility to avoid the problems created by the rounding up to the next whole dollar. Policy #98 encourages SFAs to work with their software vendors to update the conversion methods. In other words, SFAs should not automatically use the published conversion factors such as 4.33 for weekly income. Annualization is the "preferred" method when the household reports income sources at more than one frequency. "Preferred" does not mean "required". Policy #98 says not to use conversion factors or annualization if the household has only one income source or if all the sources are received with the same frequency.

### **Lunches from Home/Treats from Home**

Q. How does the Office of School and Community Nutrition(S&CN) feel about elementary schools allowing children to take Gatorade, PowerAde with their sack lunch from home instead of drinking milk?

A. Our office cannot express an opinion on this issue since what children bring from home falls outside USDA regulatory authority. Local districts may impose local restrictions on foods brought from home, but SCNPN has no enforcement responsibility in this area.

Q. Do children who are eligible for free or reduced-price meals, but who chose to 'brown bag' it occasionally receive a free milk?

A. No. Schools that participate in the School Breakfast Program and/or National School Lunch Program must serve the entire meal as a unit which includes milk. There is no provision in these programs to offer a free milk to students who do not want the entire meal. The child will have to pay separately for milk on the day he or she brings lunch from home.

Q. May teachers serve snacks children bring from home to the classroom?

A. There are no federal or state regulations that prohibit food prepared in a private home from being served in a school classroom. The decision to allow food prepared in a private home for consumption in a classroom is made at the local level. However, Indiana regulation 410 IAC 7-24, Retail Food Establishment Sanitation Requirements, Section 142 (b) states "Food prepared in a private home may not be used or offered for human consumption in a retail food establishment." Retail establishment would include anywhere in the school where food is being sold. The Indiana Department of Education, Office of School and Community Nutrition, encourages schools to contact their local health department with any questions.

A copy of the Indiana regulation may be found at  
[http://www.in.gov/isdh/regsvcs/foodprot/food\\_laws.htm](http://www.in.gov/isdh/regsvcs/foodprot/food_laws.htm)

### **Lunch Period**

Q. How long is the lunch period supposed to be?

A. The Indiana Department of Education, Office of School and Community Nutrition has no authority over the amount of time a school establishes for lunch period. This is a local decision. Parents who are concerned about the amount of time their children have for lunch should talk with the school food service director and/or school principal.

### **Meal Requirements**

Q. I am looking for the State guidelines on nutritional standards/requirements for school lunches. Could you tell me where I can find those guidelines?

A. The school lunch guidelines are established by the United States Department of Agriculture. You may go to the USDA web site to find the menu requirements for the different type of menu options that school districts may adopt.

<http://www.fns.usda.gov/cnd/menu/menu.planning.approaches.for.lunches.doc>

Most schools in Indiana are using one of two plans: Traditional or Enhanced. Both plans require the menu to have: Milk, Meat or Meat Alternate, Vegetable/Fruit (2 different servings), and at least one Grains/Bread per lunch.

### **Plate Waste**

Q. What is the state or federal response to all the unused food leftover from school lunches (that is discarded)?

A. Within our state's Department of Education, Office of School and Community Nutrition is the entity that oversees USDA's Child Nutrition Programs (including school lunch). Regarding plate waste, there is a comprehensive report on the Economic Research Service (ERS) website <http://www.ers.usda.gov/publications/efan02009/efan02009.pdf>. It discusses strategies including the offer vs. serve provision, rescheduling lunch hours, improving food quality, tailoring serving sizes to student appetites (e.g., self-service bars) and providing nutrition education.

High Schools MUST have the offer vs. serve (OVS) provision while local school food authorities may choose to adopt the OVS provision for lower grades (elementary, middle). The OVS provision encourages children to make selections of the foods they prefer. This allows the meal to be reimbursable while reducing food waste. Another popular strategy is the adoption of a

“Recess Before Lunch” policy. Many Indiana schools have implemented this strategy as part of their wellness initiative. Research by [Ethan A. Bergman et al. \(2004\)](#) reported students who went to recess before lunch consumed more food and nutrients than those who had recess after lunch, with a corresponding decrease in food waste from 40.1% to 27.2%. These results are similar to those reported by Getlinger et al. (1996), who found food waste decreased from 34.9% to 24.3% when recess was scheduled before lunch.

Another factor that can increase food waste is serving lunch very early or very late in the school day. Students with an early lunch may not be hungry if the meal is provided too soon after breakfast. On the other hand, students with “very late” lunch periods may utilize vending machines, snack bars or consume food from home to curb their appetite.

### **Recess**

Q. How long are students allowed for recess?

A. The Indiana Department of Education, Office of School and Community Nutrition does not have authority over the amount of time a school establishes for recess. This is a local decision. Parents who are concerned with the amount of time children are given for recess time should talk to the school principal.

### **School Breakfast Program**

Q. In a school that doesn't have the School Breakfast mandate can the full day kindergarten students receive a breakfast meal if none of the other grades have access to a breakfast meal?

A. No, you cannot serve the kindergarten children breakfast and not the other students in the school building.

### **Special Milk Program**

Q. Why is there a difference in what the morning kindergarten students pay for milk (.25) compared to the charge the afternoon kindergarten students pay (.06)?

A. The USDA Child Nutrition Programs requirement is that the Special Milk Program (which provides reimbursement to the school and allows them to charge much less than cost for the half pint) is ONLY available to schools IF the children do not have access to the breakfast or lunch programs. For schools with half day kindergarten, this means they can offer milk at only \$.06 (or free for those qualified) as long as that class does not have access to breakfast or lunch. IF they do, then those meals are available instead and any separate milk that is sold would be at an 'a la carte' price such as \$.25 set by this school district last year. This a la carte price is what all older children at that school would be paying already. So it's possible that you could have an afternoon kindergarten child getting milk at \$.06 and an all day first grader getting extra milk for \$.25. But the kindergarten child would not have access to breakfast or lunch whereas the first grader would.

### **Vending Machines**

Q. What are the vending requirements for schools and who regulates this?

A. In the spring of 2006, the Indiana General Assembly passed Public Law 54-2006. This bill, (also referred to as Senate Enrolled Act 111) established requirements applying to food and beverage items available for **sale to students outside the federal school meal programs.**

Key points of the bill include:

A requirement that a certain percentage of the food and beverage items qualify as better choices although the requirements **do not apply after school hours or to fundraisers**; beginning September 1, 2007, food and beverage items specified as “better choice” must be at least 50%; vending machines that dispense food or beverage items at an **elementary school** may not be accessible to students, and the bill allows a school to continue a vending machine contract in existence before the passage of this bill. There is no provision for regulation or funding in this bill.

For more details on Public Law 54-2006, click here

<http://www.in.gov/legislative/bills/2006/SE/SE0111.1.html>

Q. Are reimbursable meals offered through vending machines subject to the Offer vs. Serve (OVS) provisions?

A. Yes, as stated in USDA's SP-03-2007 memo, vending machines offering reimbursable meals are subject to the same procedures, menu planning requirements, competitive food rules, and OVS requirements that are applicable to meals offered on a service line with a cashier.

Q. May meals vended after any OVS configurations run out be reimbursed?

A. Once a vending machine can no longer dispense a complete reimbursable meal it must no longer be available for the purpose of serving reimbursable meals. A “complete meal” means a meal containing all planned components/menu items, before the exclusion of components/menu items permitted by OVS.

Q. In a school offering OVS, does predetermination of menu selections in a vending machine (resulting in a less than complete set of choices while others may have a different set of choices), undermine the intent of the OVS requirement?

A. No, this is similar to multiple service lines in which every line may not offer all items. At a minimum, any vending machine used as part of the school meals programs must be able to dispense a complete meal. We encourage schools to stock as wide a variety as possible for students utilizing these machines, but understand that the choices may not be as robust as those offered in a traditional line.

Q. How is free, reduced price or paid eligibility tracked when using a vending machine?

A. In order to distribute reimbursable meals, the school must be able to determine the student's eligibility status, whether they are using a vending machine or a traditional serving line. How this is done would be determined by the school district's point of service system and procedures.

Q. Do vending machines need to allow a student to add money on to his/her account and/or pay the difference between the account balance and the price of the item to be purchased, if the student doesn't have sufficient funds in the account?

A. Vending machines do not have to accept money from students, but there does have to be a mechanism for the student who has money to participate in the program. This mechanism could be a student providing the money to a school representative who adds the money to the students' account so that it is available for the meal; or assuring that the student has access to a traditional meal line that accepts cash.

Q. Are vending machines limited to the same time restrictions as other types of lunch service (10 AM to 2 PM) when serving lunch under the NSLP?

A. Yes

Q. Do the identifiers (name, ID number, biometric, cashier, etc) for a vending machine need to be the same as in a traditional line?

A. The reimbursable school meal vending machine must have the same number of identifiers as the traditional line, but the identifiers do not have to be the same ones. For example a cashier may be an identifier in a traditional line, along with a pin number. The vending machine used in the school would need equivalent identifiers, but they could be a biometric check and a pin number.

### **Civil Rights**

Q. Is civil rights training a requirement pertaining to food service workers and people that handle the free and reduced-priced applications or a requirement of all school personnel?

A. Food service workers and people who handle the free and reduced price applications would be considered "frontline staff". "Frontline staff" are defined as "those who interact with program applicants or participants." Per FNS Instruction 113-1, Section XI CIVIL RIGHTS TRAINING on page 16, these individuals and their supervisors "must be provided civil rights training on an annual basis."